REMARKS

Reconsideration and allowance of the application based on the following arguments, and for other reasons, is respectfully requested.

The above-identified divisional patent application has claims 7-21 pending. Claims 7-15 and 18-21 were rejected. Claims 16-18 were objected to.

The drawings filed on 03 March 2004 were accepted.

Claim 9 was rejected under 35 USC 102(b) as being anticipated by Hirota [JP406063093A], the Examiner alleging that Hirota teaches an infrared source 3 (Fig. 5) comprising of a base adapted to be heated to uncomfortable to the touch at the temperature of 90 degree C (Abstract), the same as disclosed by applicant of 200 degree F that is equal roughly to 80 degree C, having a floor panel 1 (See attached Japanese translation) with fins and closely spaced protrusions of inherently low-heat -conductance material which projects away from the base 3 and inherently present temperatures comfortable to the touch even though the base can be at uncomfortable temperatures".

Applicants query the Examiner's interpretation of Hirota.

Applicants concur that Hirota may teach a far infrared radiation radiator 1 in Figs. 4 and 5. Judging from the drawings, the far infrared radiation radiator 1 consists of flat cross bars (unnumbered) slightly spaced apart and resting on runners (also unnumbered). The infrared radiation may emanate out of the cross bars. That they are of low-heat conductance material is not apparent.

Moreover, a low-heat conductance material would not appear to have been necessary. As the Abstract states, "an air ventilation device 6 consisting of a plate-like member 7 having many through holes 8 is provided in a suitable position on the upper side of these heat sources 2, so that high temperature air generated by the heat source is dispersed and emitted to the upper part". Thus, it would seem that the plate-like member 7 insulates the user from the far infrared radiation radiator 1 and not a "floor panel 1 --- with fins and closely spaced protrusions of inherently low-heat -conductance material which projects away from the base 3 and inherently present temperatures comfortable to the touch even though the base can be at uncomfortable temperatures".

Furthermore, the February 15, 2005 Japanese translation so kindly attached to the Office Action by the Examiner, would seem to support applicants' interpretation. The

translation notes that a grid form structure (presumably plate-like member 7 of Figs. 2 and 3) made of wood is placed on the topmost surface of the floor, that underneath this structure an infrared radiating ceramic panel (presumably far infrared radiation radiator 1 of Figs. 4 and 5) is installed, and that underneath this panel a heat source such as an electrical heater is installed. Ceramics are not known to applicants to be inherently low-heat-conductance material. Thus it is believed that Hirota teaches neither a fined infrared radiator, nor one of inherently low-heat -conductance material; hence it is urged that claim 9 is not anticipated by Hirota.

Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Hirota, the Examiner saying that "Hirota discloses substantially the claimed invention, but is silent about the width that separate fins from protrusions". As noted above, applicants question whether Hirota discloses fins on his infrared source 3. Hence applicants urge that it would not have been obvious to modify Hirota's invention "to make the width between the protrusions and fins less than a finger width" 1) because he has no protrusions and fins, and 2) because his wooden floor 7 insulates the user from his infrared radiation radiator 1. Thus applicants urge that claim 10 is patentable over Hirota.

Claims 7-8 were rejected under 35 USC 103(a) as being unpatentable over Park (6,272,697) in view of Perlman, the Examiner stating that "Park discloses infrared heater comprised of two sets of parallel electrically resistive [means] 70, the corresponding bars being juxtaposed (Fig. 2) and electric conductors 72 interconnecting corresponding ends of the bars". Applicants question whether "Park discloses infrared heater comprised of two sets of parallel electrically resistive [bars?] 70, the corresponding bars being juxtaposed (Fig. 2) and electric conductors 72 interconnecting corresponding ends of the bars". Lines 34-40, col. 5 of Park state: "The infrared generating means is carbon-coated and disposed on the heating emitting sheet 45. The carbon-coated infrared generating means 70 is activated by a conductive line 72 connected to each side thereof. The infrared generating means 70 is cowered [sic] by a cover layer 74 having a plurality of through holes 76." Nowhere is there mention of parallel resistive bars! And the application of a carbon coating thereto suggests that in electrical effect, if not in physical structure, that a sheet and not parallel resistive bars are being employed. So does the above identified sentence: "The carbon-coated infrared generating means 70 is activated

by a conductive line 72 connected to each side thereof." It is treating the "infrared generating means 70" as a single thing. Clearly, Park fails as a basic reference: he can not be appropriately modified by Perlman to render applicants' invention obvious. Thus claims 7-8 are allowable.

Claims 11-15 and 19-21 were rejected under 35 USC 103(a) as being unpatentable over Park in view of Perlman and further in view of Hirota, the Examiner alleging that "Park in view of Perlman discloses substantially the claimed invention including a sauna 10 for causing a user to sweat, but does not disclose fins and protrusions. Hirota discloses an infrared heater 3 having a floor panel 1 with fins and protrusions space apart." Claims 11-15 and 21 are dependent, directly or indirectly, on claim 7, and hence are patentable over Park in view of Perlman for the same reasons that claim 7 is and for their additional limitations. The deficiencies of Park and Perlman are not supplied by Hirota who also does not disclose fins and protrusions as noted above in the discussion of the rejection of claim 10. Thus claims 11-15 and 21 are patentable over Park in view of Perlman and Hirota.

Claims 19 and 20 are method claims, claim 20 being dependent on claim 19. The claims require a method of sweating a person by "primarily heating the person by direct infrared radiation absorption on several sides. Nothing in the prior art teaches a method of sweating a person by "primarily heating the person by direct infrared radiation absorption on several sides". Park may heat a person by direct infrared radiation absorption on several sides, but he does not teach primarily heating the person so. In fact it would appear that Park primarily heats the person by his heat emitting sheet 45, for he states in col. 2, lines 12-15: "Also the heating means serves to heat the cavity. The heating means comprises a heat emitting sheet embedded within each of the base plate, the first cover, and the second cover." There is no claim that he heats the person primarily by infrared radiation. Hirota does not even heat the user on several sides. Thus claims 19 and 29 define patentably over the art, and claim 20 additionally for its shielding by distancing the person by protrusions requirement.

The allowability of claims 16-18 if claim 16 is rewritten as an independent claim, is noted. In view of applicants' contention that their existing base claim and intervening

claims are allowable too, applicants are withholding its rewriting as an independent claim.

Wherefore applicants submit that this application is in condition for allowance, which favorable action at an early date is earnestly solicited

Respectfully submitted

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